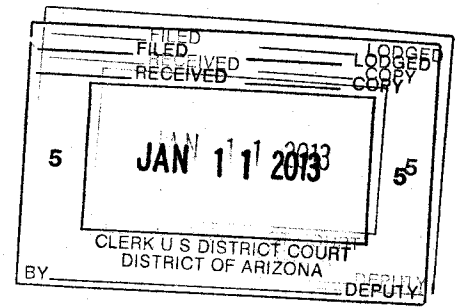


UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA



William Leonard Pickard)

Defendant)

v.) Case No. 11-cv-00443 (DCB)

Department of Justice)

Defendant)

PLAINTIFF'S EXHIBITS OF DEFENDANT'S ANSWERS TO INTERROGATORIES
(F.R.Civ.P. 56(c))

Comes now Plaintiff William Leonard Pickard, pro se, in this
"Plaintiff's Exhibits of Defendant's Answers to
Interrogatories," to advise the Court as follows:

1. Plaintiff hereby appends Defendant's answers to
Interrogatories, in support of Plaintiff's accompanying
Opposition/Cross Motion to Defendant's Motion for Summary
Judgment.
2. These exhibits are filed in accord with F.R.Civ.P 56(c),
concerning "answers to interrogatories and admissions on
file"; and requiring moving party to identify "portions of the
record on file"; see Celotex Corp. v. Catrett, 477 U.S. 317,
322-24, 106 S.Ct. 2548, 91 L.Ed. 2d 265 (1986).

3. Appended as Exhibit A are the following sets of Defendant's Answers and Objections to Interrogatories:

a. First Set (Revised) of Interrogatories

b. Second Set of Interrogatories

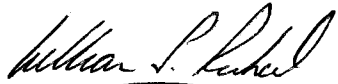
c. Third Set of Interrogatories

d. Fourth Set of Interrogatories

e. Fifth Set of Interrogatories

WHEREFORE, Plaintiff submits Defendant's answers to Interrogatories in accord with F.R.Civ.P. 56(c) and in support of Plaintiff's accompanying Opposition/Cross Motion on submitted on this date.

Respectfully submitted,



William L. Pickard

FRN 82687011

POB 24550

Tucson, AZ 85734

January 2, 2013

EXHIBIT A

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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10
11 William Leonard Pickard,
12 Plaintiff,
13 v.
14 Department of Justice,
15 Defendant.

CV-11-443-TUC-DCB

REVISED DEFENDANT'S
ANSWERS AND OBJECTIONS TO
PLAINTIFF'S
INTERROGATORIES

16
17 COMES NOW Defendant, by and through undersigned counsel, and submits
18 answers and objections to Plaintiff's interrogatories pursuant to Fed. R. Civ. P. 33.

19 INTERROGATORY NO.1:

20 State any and all DEA efforts to locate subsections 6612.13 ("Risk Assessment
21 Defined") and 6612.32 ("Risk Assessment") that existed prior to the June 28, 2001
22 revision of the DEA Agents Manual that inserted by "Supplemental Transmission"
23 subsection 6612.13 into the DEA Agents Manual version labeled "01-3 Agents Manual 6-
24 28-01" (see p. 1 of July, 2011 DEA FOIA release).

25
26 ANSWER: The request, *sub judice*, was interpreted as seeking "any and all
27 records pertaining to the implementation and use of DEA Agent's Manual Sec. 6612.13,
28

1 including but not limited to (a) the eleven risk assessment factors described therein
2 concerning potential or prior DEA informants, cooperating defendants/witnesses, or
3 sources of information; (b) the specific DEA form and formatting utilized or required for
4 compliance with Sec. 6612.13 and the risk assessment factors; and, (c) copies of Sec.
5 6612.13 and the related risk assessment factors applicable in 2000-2001 and at any other
6 time." Responsive records were reasonably likely to be found in the files maintained by
7 DEA Operations Division, Office of Operations Management, Policy and Resource
8 Management Section (OMP), Policy and Procedures Unit (OMPP), and the DEA
9 Operational Support Division, Office of Administration, FOIA/Records Management
10 Section, Records Management Unit (SARR). OMPP and SARR are the DEA offices
11 responsible for the content, maintenance of and implementation of the Agents Manual
12 provisions
13

14
15
16 OMPP (1) directs the review, update, and development of operational policies and
17 procedures; disseminates operational policies and procedures, primarily via the Agents
18 Manual (AM), (2) Disseminates proposed operational policies and procedures, primarily
19 via the Agents Manual and (3) Provides interpretation of current and proposed
20 operational policies and procedures to HQ and Field components. SARR (1) maintains
21 the DEA directives systems for documenting the agency's programs, policies, procedures
22 and ensures the retention of a permanent set of directives and (2) provides issuance
23 instructions and publication formats, (including manual and automated formats), and
24 reviews and final edits all directive issuances.
25
26
27
28

1 The DEA Freedom of Information Operations Unit (SARF) collaborated with the
2 offices and tasked then with conducting a search of their files for records associated with
3 and Agents Manual Section 6612.13, and to provide copies of all records identified.
4

5 INTERROGATORY NO. 2:

6 State any interim policy concerning DEA Agents Manual subsection 6612.13
7 ("Risk Assessment Defined") that existed prior to the June 28, 2001 revision of the DEA
8 Agent's Manual that inserted by "Supplemental Transmission" subsection 6612.13 into
9 the DEA Agents Manual version labeled "01-3 Agents Manual 6-28-0111 (see p. 1 of
10 July 1, 2011 DEA FOIA release).
11

12 ANSWER: Defendant objects to this interrogatory to the extent it is overbroad
13 (not limited in time and scope) and overly burdensome. The Drug Enforcement
14 Administration was established as a component of the Department of Justice (DEA) in
15 1973. Policies and practices utilized by DEA date back 39 years. To respond would
16 require, beginning in 1973 until 2001, a complete review of the DEA Agents Manual, and
17 every teletype, cable, memoranda, email or other, and the ascertaining of intimate
18 knowledge of each change that occurred and a verbatim iteration of the content of the
19 writing that memorialized any such interim policy.
20

21 INTERROGATORY NO. 3:

22 State any interim policy concerning subsection 6612.13 ("Risk Assessment
23 Defined") that was disseminated to field offices by teletype, cable, memoranda, email or
24 other directives or methods prior to the June 28, 2001 revision of the DEA Agents
25 Manual that inserted by "Supplemental Transmission" subsection 6612.32 into the DEA
26
27
28

1 Agents Manual version labeled "01-3 Agents Manual 6-28-01" (see p. 1 of July 1, 2001
2 DEA FOIA release).

3
4 ANSWER: Defendant objects to this interrogatory to the extent it is overbroad
5 (not limited in time and scope) and overly burdensome. The Drug Enforcement
6 Administration (DEA) was established as a component of the Department of Justice in
7 1973. Policies and practices utilized by DEA date back 39 years. To respond would
8 require, beginning in 1973 until 2001, a complete review of the DEA Agents Manual, and
9 every teletype, cable, memoranda, email or other, and the ascertaining of intimate
10 knowledge of each change that occurred and a verbatim iteration of the content of the
11 writing that memorialized any such interim policy.
12

13
14
15 INTERROGATORY NO. 4:

16 State any interim policy concerning DEA Agents Manual subsection 6612.32
17 (labeled "Risk Assessment") that existed prior to the June 28, 2001 revision of the DEA
18 Agents Manual that inserted by "Supplemental Transmission" subsection 6612.32 into
19 the DEA Agents Manual version labeled "01-3 Agents Manual 6-28-01" (see p. 1 of July
20 1, 2001 DEA FOIA release).
21

22 ANSWER: Defendant objects to this interrogatory to the extent it is overbroad
23 (not limited in time and scope) and overly burdensome. The Drug Enforcement
24 Administration (DEA) was established as a component of the Department of Justice in
25 1973. Policies and practices utilized by DEA date back 39 years. To respond would
26 require, beginning in 1973 until 2001, a complete review of the DEA Agents Manual, and
27
28

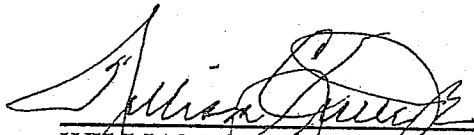
1 every teletype, cable, memoranda, email or other, and the ascertaining of intimate
2 knowledge of each change that occurred and a verbatim iteration of the content of the
3 writing that memorialized any such interim policy.
4

5 INTERROGATORY No. 5:

6 State any interim policy concerning subsection 6612.32 ("Risk Assessment") that
7 was disseminated to field offices by teletype, cable, memoranda, email or other directives
8 or methods prior to the June 28, 2001 revision of the DEA Agents Manual that inserted
9 by "Supplemental Transmission" subsection 6612.32 into the DEA Agents Manual
10 version labeled "01-3 Agents Manual 6-28-01" (see p. 1 of July 1, 2001 DEA for a
11 release).
12

13
14 **ANSWER:** Defendant objects to this interrogatory to the extent it is overbroad
15 (not limited in time and scope) and overly burdensome. The Drug Enforcement
16 Administration (DEA) was established as a component of the Department of Justice in
17 1973. Policies and practices utilized by DEA date back 39 years. To respond would
18 require, beginning in 1973 until 2001, a complete review of the DEA Agents Manual, and
19 every teletype, cable, memoranda, email or other, and the ascertaining of intimate
20 knowledge of each change that occurred and a verbatim iteration of the content of the
21 writing that memorialized any such interim policy.
22

23
24 The above responses to Plaintiff's Interrogatories are true and correct to the best of
25 my knowledge and belief.

26
27 
28 WILLIAM C. LITTLE, JR., ESQ.
Office of Chief Counsel, Administrative
Law Section, Drug Enforcement
Administration

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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA
10

11 William Leonard Pickard,
12 Plaintiff,
13 v.
14 Department of Justice,
15 Defendant.

CV-11-443-TUC-DCB

**DEFENDANT'S ANSWERS AND
OBJECTIONS TO PLAINTIFF'S
2nd SET INTERROGATORIES**

16 COMES NOW Defendant, by and through undersigned counsel, and submits
17 answers and objections to Plaintiff's interrogatories pursuant to Fed. R. Civ. P. 33.
18

19 INTERROGATORY NO.1:

20 State any interim policy concerning DEA Agents Manual subsection 6612.13
21 ("Risk Assessment Defined") that existed at anytime in the period from January 1, 1998
and prior to the June 28, 2001 revision of the DEA Agents Manual that inserted by
22 "Supplemental Transmission" subsection 6612.13 into the DEA Agent's Manual labeled
"01-3 Agents Manual 6-28-01" (see p.1 of July 1, 2011 DEA FOIA release).
23

24 **ANSWER:** This affiant has no independent personal knowledge of the content
25 of the material described and is unable to iterate its content. The files searched in
26 response to the request did not contain copies of an "Interim Policy."
27
28

1
2
3
4 INTERROGATORY NO. 2:

5 State any interim policy concerning DEA Agents Manual subsection 6612.13
6 ("Risk Assessment Defined") that was disseminated to field offices in the period from
7 January 1, 1998 and prior to the June 28, 2011 revision of the DEA Agent's Manual that
8 inserted by "Supplemental Transmission" subsection 6612.13 into the DEA Agent's
Manual labeled "01-3 Agents Manual 6-28-01" (see p.1 of July 1, 2011 DEA FOIA
release).

9 ANSWER: This affiant has no independent personal knowledge of the content of
10 the material described and is unable to iterate its content. The files searched in response
11 to the request did not contain copies of an "Interim Policy."
12
13
14

15 INTERROGATORY NO. 3:

16
17 State any interim policy concerning DEA Agents Manual subsection 6612.32
18 (labeled "Risk Assessment") that existed at any time from January 1, 1998 and prior to
19 the June 28, 2011 revision of the DEA Agent's Manual that inserted by "Supplemental
Transmission" subsection 6612.13 into the DEA Agent's Manual labeled "01-3 Agents
Manual 6-28-01" (see p.1 of July 1, 2011 DEA FOIA release).

20 ANSWER: This affiant has no independent personal knowledge of the content of
21 the material described and is unable to iterate its content. The files searched in response
22 to the request did not contain copies of an "Interim Policy."
23
24

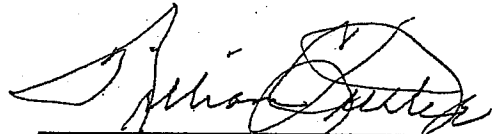
25 INTERROGATORY NO. 4:

26
27 State any interim policy concerning DEA Agents Manual subsection 6612.32
28 (labeled "Risk Assessment") that was disseminated to field offices at any time from
January 1, 1998 and prior to the June 28, 2011 revision of the DEA Agent's Manual that

1 inserted by "Supplemental Transmission" subsection 6612.13 into the DEA Agent's
2 Manual labeled "01-3 Agents Manual 6-28-01" (see p.1 of July 1, 2011 DEA FOIA
3 release).

4 ANSWER: This affiant has no independent personal knowledge of the content of
5 the material described and is unable to iterate its content. The files searched in response
6 to the request did not contain copies of an "Interim Policy."
7

8 The above responses to Plaintiff's Interrogatories are true and correct to the best of
9 my knowledge and belief.
10



11 WILLIAM C. LITTLE, JR., ESQ.
12 Office of Chief Counsel, Administrative
13 Law Section, Drug Enforcement
14 Administration

15 Respectfully submitted this 24th day of July, 2012.

16 ANN BIRMINGHAM SCHEEL
17 Acting United States Attorney
18 District of Arizona

19 s/ Gerald S. Frank
20 GERALD S. FRANK
Assistant U.S. Attorney

21 Copy of the foregoing served by
22 U.S. mail this 24th day of July, 2012, to:

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24 #82687-011
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P.O. Box 24550
Tucson, AZ 85734
Plaintiff Pro Se

26 s/ Lisa Startup
27
28

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Attorneys for Defendant
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA
10

11 William Leonard Pickard,
12 Plaintiff,
13 v.
14 Department of Justice,
15 Defendant.
16

CV-11-443-TUC-DCB

DEFENDANT'S ANSWERS AND
OBJECTIONS TO PLAINTIFF'S
THIRD SET OF
INTERROGATORIES

17 COMES NOW Defendant, by and through undersigned counsel, and submits
18 answers and objections to Plaintiff's interrogatories pursuant to Fed. R. Civ. P. 33.

19 INTERROGATORY NO.1:

20 State in detail with regard to the DEA search leading to the FOIA release of July 1, 2011,
21 the explicit nature of the "collaborat[ion]" (see Interrogatories, Set. No.1, Answer No.1,
22 May 29, 2012) of the DEA Freedom of Information Operations Unit (SARF) with the
23 DEA Operations Division (OMP/OMPP) and the DEA Operational Support Division
24 (SARR), and specifically describing: a. the search methods employed; b. the search terms
25 used; c. the dates of the search(es); d. the personnel who conducted the search(es); and e.
the databases and records systems searched for each DEA component involved
(SARF/OMP/OMPP/SARR).

26 ANSWER: The DEA Freedom of Information Operations Unit (SARF) is the DEA
27 office responsible for amassing, and the processing and release of information requested
28 under the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. §

1 552a. SARF has the authority to task DEA offices that may maintain records responsive
2 to a request, and communicate with offices to insure that a search reasonably calculated
3 to uncover all responsive documents was conducted. Based upon the request, *sub judice*,
4 the DEA Operations Division, Office of Operations Management, Policy and Resource
5 Management Section (OMP), Policy and Procedures Unit (OMPP), and the DEA
6 Operational Support Division, Office of Administration, FOIA/Records Management
7 Section, Records Management Unit (SARR) were the DEA offices that were reasonably
8 likely to maintain responsive records, if they existed. A SARF FOIA specialist
9 communicated with OMP and SARR program analyst on February 1, 2011, February 2,
10 2011, February 3, 2011, February 7, 2011, February 15, 2011, February 16, 2011, and
11 February 24, 2011.

12
13
14
15 SARR maintains the DEA Agents Manual, manual issuances and materials
16 associated with changes to the DEA Agents Manual. Prior to 2002, the background and
17 staffing materials maintained by SARR are in paper form in the Agents Manual program
18 files. The files are maintained based upon a "Transmittal No." A *Transmittal* is the
19 memorandum that promulgates a manual change that is memorialized in an attachment.
20 SARR files were searched by hand for any transmittal that could be identified with the
21 implementation of DEA Agents Manual Sect. 6612.13.

22
23
24 OMP maintains copies of *Transmittals* in a paper based Agents Manual program
25 file. The OMP program file is arranged by Agents Manual section. OMP files were hand
26 searched in response to an SARF request for all information related to the
27 implementation and use of Agents Manual Sect. 6612.13.
28

1 INTERROGATORY NO.2:

2 State in detail any and all searches or reviews specifically conducted in response to the
3 Request for Admissions (Set No. 1, Answers 1-4, May 29, 2012, concerning interim
4 policies for DEA Agents Manual subsection 6612.13 ("Risk Assessment Defined") and
5 6612.13 ("Risk Assessment") prior to the June 28, 2001 DEA Agent's Manual revision),
6 and describing the nature of any "collaborat[ion]" (e.g. see Interrogatories, Set No.1,
7 Answer No.1, May 29, 2012) of the DEA Freedom of Information Operations Unit
8 (SARF) of the DEA Freedom of Information Operations Unit (SARF) with the DEA
9 Operations Division (OMP/OMPP) and the DEA Operational Support Division (SARR)
10 or other entities, and further specifically describing: a. the search methods employed; b.
11 the search terms used; c. the dates of the search(es); d. the personnel who conducted the
12 search(es); and e. the databases and records systems searched for each DEA component
13 involved (SARF/OMP/OMPP/SARR).

10 **ANSWER:** No search or review was conducted.

11 INTERROGATORY NO.3:

12 State the policy or regulation in effect between September 10, 1998 and June 27, 2001
13 such that DEA field offices or divisions did not conduct risk assessments in compliance
14 with subsection 6612.13 of the DEA Agents Manual between the September 10, 1998
15 revision and the June 28, 2001 revision of the DEA Agents Manual to include the new
16 subsections 6612.13 ("Risk Assessment Defined") and 6612.32 ("Risk Assessment").

17 **OBJECTION:** Defendant objects to this interrogatory on the basis that it seeks
18 information that is not relevant to any claim or defense, and not reasonably likely to lead
19 to the discovery of any admissible evidence.

19 **ANSWER:** Notwithstanding and without waiving any objection, insufficient
20 information is available to respond at this time.

21 INTERROGATORY NO.4:

22 State that - on the basis of DEA's search of DEA databases and records systems and
23 collaboration of the DEA Freedom of Information Operations Unit (SARF) with the DEA
24 Operations Division (OMP/OMPP) and the DEA Operational Support Division (SARR) -
25 no interim policy existed concerning DEA Agents Manual 6612.13 ("Risk Assessment
26 Defined") and 6612.32 ("Risk Assessment") between the September 10, 1998 revision and
27 the June 28, 2001 revision of the DEA Agents Manual.

27 **OBJECTIONS:** (1). This interrogatory seeks information that is not relevant to any claim
28 or defense, and is not reasonably likely to lead to the discovery of any admissible

1 evidence. The FOIA requires only a search reasonably calculated to uncover responsive
2 documents. The factual existence or non-existence of any record is beyond the scope of a
FOIA action.

3 (2). Defendant objects to this interrogatory to the extent it is overbroad in that it is not
4 limited to a reasonable interpretation of plaintiff's request.

5 **ANSWER:** Notwithstanding and without waiving any objection, insufficient information
6 is available to respond at this time.

7 **INTERROGATORY NO.4:**

8 State the policy bases, regulations, practices and procedures upon which DEA determined
9 that its search(es) for interim policies were reasonable regarding subsections 6612.13
10 ("Risk Assessment Defined") and 6612.32 ("Risk Assessment") between the September
11 10, 1998 and June 28, 2001 revisions of the DEA Agents Manual.

12 **ANSWER:** 28 C.F.R. §§ 16.3, 16.4 and 16.6 were applied in the processing of plaintiff's
13 request.

14 **INTERROGATORY NO.6:**

15 State why the August 22, 2006 DEA teletype on interim policies regarding risk
16 assessments specifically DEA form 512(A)) was provided in the DEA FOIA release of
17 July 1, 2011, but not teletypes of interim policies regarding subsections 6612.13 ("Risk
18 Assessment Defined") and 6612.32 ("Risk Assessment") between the September 10, 1998
19 revision and the June 28, 2001 revision of the DEA Agents Manual.

20 **ANSWER:** Other than the records provided, no other materials were located during the
21 search. The teletype was specifically referenced in DEA Agents Manual Sect. 6612.32
22 and could be acquired with a reasonable amount of effort.

23 **INTERROGATORY NO.7:**

24 State why search(es) were conducted involving collaboration of the DEA Freedom of
25 Information Operations Unit (SARF) with the DEA Operations Division (OMP/OMPP)
26 and the DEA Operational Support Division (SARR), but no searches were conducted
27 involving the DEA Confidential Source Unit, given that questions on interim policies
28 involving risk assessments were referred to the Confidential Source Unit in the teletype of
August 22, 2006 (see July 1, 2011 DEA FOIA release, p. 17).

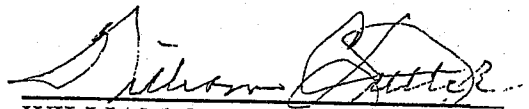
1
2 ANSWER: Based upon a reasonable interpretation of the plaintiff's request, it was not
3 concluded that the DEA Confidential Source Unit was reasonably likely to maintain
4 responsive records.
5

6
7 INTERROGATORY NO.8:

8 State why DEA'S response to the FOIA request for "any and all records pertaining to
9 section 6612.13" and including "but not limited to" the "specific forms and formatting"
10 utilized for compliance with section 6612.13 - while including the "new form 512(A)"
11 (DEA FOIA release of July 1, 2011, p. 16) that was "effective immediately" (Id.) and
12 dated August 22, 2006 -did not include the "various risk assessment forms currently in use
by field offices" (Id.) prior to the August 22, 2006 teletype regarding the interim policy
and providing the new DEA form 512 (A).

13 ANSWER: No other forms were located during the course of the search.
14

15 The above responses to Plaintiff's Interrogatories are true and correct to the best of
16 my knowledge and belief.
17



18 WILLIAM C. LITTLE, JR., ESQ.
19 Office of Chief Counsel, Administrative
20 Law Section, Drug Enforcement
Administration

21 Respectfully submitted this 27th day of July, 2012.
22

23 JOHN S. LEONARDO
24 United States Attorney
District of Arizona

25 s/ Gerald S. Frank
26 GERALD S. FRANK
27 Assistant U.S. Attorney

28 Copy of the foregoing served electronically or

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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 WILLIAM PICKARD,

12 Plaintiff,

14 v.

15 DEPARTMENT OF JUSTICE,

16 Defendant.
17

CV-11-443-TUC-DCB

13 **DEFENDANT'S ANSWERS AND
OBJECTIONS TO PLAINTIFF'S
FOURTH SET OF
INTERROGATORIES**

18
19 COMES NOW Defendant, by and through undersigned counsel, and submits answers and
20 objections to Plaintiff's fifth set of interrogatories pursuant to Fed. R. Civ. P. 33.
21

22 INTERROGATORY NO.1:
23

24 State all locations in which "risk assessments" or portions thereof in accord with DEA Agents
25 Manual subsections 6612.13 ("Risk Assessment Defined") and 6612.32 ("Risk Assessment ") are
26 maintained by DEA, including but not limited to a description of specific records systems in field
27 offices, DEA HQ and divisions, Confidential Source Unit, Confidential Source System (CSS),
Multisource Query System (MSQ), Office of Management (OM) systems, and - in the event of
28 issues involving misconduct - the Planning and Inspection Division and the Office of
Professional Responsibility records systems.

1 **OBJECTION:** Defendant objects to this interrogatory on the basis that it seeks information that
2 is not relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
3 admissible evidence.
4

5
6 **ANSWER:** Notwithstanding and without waiving these objections, to the extent an answer is
7 required, the risk assessment outlined in Agents Manual Section 6612.13, when conducted, is
8 maintained in the DEA Confidential Source file. Confidential source files are maintained by
9 each DEA field office that utilizes the source. A copies of reports and other documents
10 forwarded by the field are also maintained at DEA Headquarters in a confidential source file by
11 the DEA Confidential Source Unit. A copy of a risk assessment may also be contained in the
12 Planning and Inspections Files when the assessment is relevant in an investigation conducted by
13 the DEA Office of Professional Responsibility or a management review conducted by the DEA
14 Inspections Division.
15
16
17

18 **INTERROGATORY NO. 2:**
19
20

21 State in detail the name and function of all pointer indices in DEA records systems through
22 which "risk assessments" in accord with DEA Agents Manual subsections 6612.13 ("Risk
23 Assessment Defined") and 6612.32 ("Risk Assessment") may be located, including but not
24 limited to the NADDIS pointer index for DEA's Investigative Filing and Reporting System
25 (IFRS), and the respective pointer indices for specific records systems in field offices, DEA HQ
26 and divisions, Confidential Source Unit, Confidential Source System (CSS) , Multisource Query
27 System (MSQ) , Office of Management (OM) systems, and - in the event of issues involving
28 misconduct - the Planning and Inspection Division and the Office of Professional Responsibility
records systems.

1 **OBJECTION:** Defendant objects to this interrogatory on the basis that it seeks information that
2 is not relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
3 admissible evidence.
4

5
6 **ANSWER:** Notwithstanding and without waiving these objections, to the extent an answer is
7 required, none
8

9
10 **INTERROGATORY NO. 3:**
11

12 State in detail the "Transmittal Number" and "Date" of all "Transmittal(s)" or "Supplemental
13 Transmittals" that promulgated a DEA Agents Manual Change pertaining to DEA Agents
14 Manual subsections 6612.13 ("Risk Assessment Defined") or 6612.32 ("Risk Assessment") after
15 the September 10, 1998 revision of the DEA Agents Manual and before the June 28, 2001
16 revision.

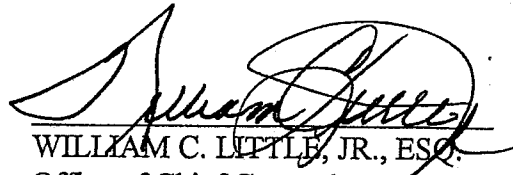
17 **ANSWER:** None
18

19 **INTERROGATORY NO. 4:**
20

21 State the dates after the September 10, 1998 "Supplemental Transmittal" ("Transmittal Number:
22 98-8") and before the April 24, 2002 "Supplemental Transmittal" (Transmittal Number: 02-2")
23 on which a. DEA Agents Manual subsection 6612.13 first became effective; b. subsection
24 6612.13 was first made available to field offices and agents; and c, the date of any other form of
directive that made subsection 6612.13 effective.

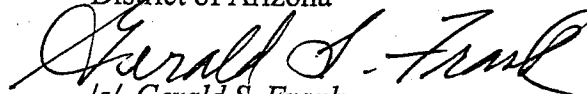
25 **ANSWER:** June 28, 2001
26
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28

1 The above responses to Plaintiff's Interrogatories are true and correct to the best of my
2 knowledge and belief.

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6 
7 WILLIAM C. LITTLE, JR., ESQ.
8 Office of Chief Counsel,
9 Administrative Law Section
10 Drug Enforcement Administration

11 Respectfully submitted this 24th day of September, 2012.

12 JOHN S. LEONARDO
13 United States Attorney
14 District of Arizona

15 
16 /s/ Gerald S. Frank
17 GERALD S. FRANK
18 Assistant U.S. Attorney

19 Copy of the foregoing served by U. S. mail
20 this of , 2012, to:

21 William Leonard Pickard
22 #82687-011
23 U.S. Penitentiary - Tucson
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26
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28

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 Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

WILLIAM PICKARD,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

CV-11-443-TUC-DCB

DEFENDANT'S ANSWERS AND
 OBJECTIONS TO PLAINTIFF'S
 FIFTH SET OF
 INTERROGATORIES

COMES NOW Defendant, by and through undersigned counsel, and submits answers and objections to Plaintiff's fifth set of interrogatories pursuant to Fed. R. Civ. P. 33.

INTERROGATORY NO.1:

State the DEA Agents Manual section upon which San Francisco DEA agents ASAC Lowrey Leong and G/S Steven Horn relied in conducting a "risk assessment" on Gordon Todd Skinner (CS-01-101938) (See first paragraph of "risk assessment" submitted to the United States District Court in the District of Kansas by agent Karl Nichols through AUSA Gregory Hough on or about March 4, 2003 as described in United States v. Pickard (5:00-cr-40104-RDR) and copies of which were provided by the Court to defense counsel without a protective order preventing dissemination (see Id., Doc. 657 describing contents in detail; and see Id., Order, Doc. 588, August 15, 2008 noting provision of file to defense counsel; and see copies of "risk assessment" in DEA records systems.)

1 **OBJECTION:** (1) Defendant objects to this interrogatory on the basis that it relates to
2 information regarding a confidential source that is privileged.

3 (2) Defendant objects to this interrogatory on the basis that it seeks information that is not
4 relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
5 admissible evidence.

6 **ANSWER:** None at this time.
7
8

9 **INTERROGATORY NO. 2:**

10 State the a. date on which the aforementioned "risk assessment" of Gordon Todd Skinner (CS-
11 01-101938) was conducted by Agents Leong and Horn; b. date on which the "risk assessment"
12 was written; and c. author of the "risk assessment."

13 **OBJECTION:** (1) Defendant objects to this interrogatory on the basis that it relates to
14 information regarding a confidential source that is privileged.

15 (2) Defendant objects to this interrogatory on the basis that it seeks information that is not
16 relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
17 admissible evidence.
18

19 **ANSWER:** None at this time.
20
21

22 **INTERROGATORY NO. 3:**

23 State the specific locations in which the "risk assessment" of Gordon Todd Skinner (CS-01-
24 101938) are maintained by DEA, including but not limited to the names of the specific records
25 systems in the San Francisco DEA office, DEA HQ systems, the Investigative Filing and
26 Reporting System, Operations files, the Office of Management (OM), the Confidential Source
27 System (MSQ), any other DEA records systems, and - in the event of issues concerning
28 misconduct - the Planning and Inspection Division and the Office of Professional Responsibility.

1 **OBJECTION:** (1) Defendant objects to this interrogatory on the basis that it relates to
2 information regarding a confidential source that is privileged.

3
4 (2) Defendant objects to this interrogatory on the basis that it seeks information that is not
5 relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
6 admissible evidence.

7 **ANSWER:** None at this time.
8
9

10 **INTERROGATORY NO. 4:**

11 State the "eleven risk factors" in the "risk assessment" of Gordon Todd Skinner (CS-01-101938)
12 that was ordered by the United States District Court in the District of Kansas in
13 United States v. Pickard 5:00-cr-40401-RDR) to be provided to Plaintiff's defense counsel
14 without a protective order preventing dissemination (see Id., Doc. 657 describing
15 contents of "risk assessment" in detail; and see Id., Order, Doc. 588, August 15, 2008 noting
16 provision of file to defense counsel; see also DEA records systems for copy of the "risk
17 assessment").

18 **OBJECTION:** (1) Defendant objects to this interrogatory on the basis that it relates to
19 information regarding a confidential source that is privileged.

20 (2) Defendant objects to this interrogatory on the basis that it seeks information that is not
21 relevant to any claim or defense, and not reasonably likely to lead to the discovery of any
22 admissible evidence.

23
24 **ANSWER:** None at this time.
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INTERROGATORY NO. 5:

with regard to the DEA "CI File" containing the "risk assessment" of Gordon Todd Skinner (CS-01-101938) that was made available to Plaintiff's defense counsel by the United States District Court in the District of Kansas in United States v. Pickard (5:00-cr-40401-RDR) without a protective order preventing dissemination (see Id., Doc. 657 describing contents of "CI File" in detail; and see Id., Order, Doc. 588, August 15, 2008 noting provision of file to defense counsel), state the "File No.," the "Date Prepared," the "File Title," and the title of "Block 10, Re:" of each document in the "CI File" provided to the district court and Plaintiff's defense counsel, e.g.:

File No.: (CS-01-101938)

File Title: "Confidential Source"

Date Prepared:

1/19/2001 - Re: Quarterly Management Review of CS-01-101838

3/30/2001 - Re: Quarterly Management Review of CS-OI-101938

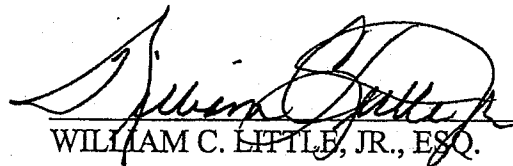
6/27/2001 - Re: Deactivation of CS-01-101938

OBJECTION: (1) Defendant objects to this interrogatory on the basis that it relates to information regarding a confidential source that is privileged.

(2) Defendant objects to this interrogatory on the basis that it seeks information that is not relevant to any claim or defense, and not reasonably likely to lead to the discovery of any admissible evidence.

ANSWER: None at this time.


The above responses to Plaintiff's Interrogatories are true and correct to the best of my knowledge and belief.



WILLIAM C. LITTLE, JR., ESQ.
Office of Chief Counsel,
Administrative Law Section
Drug Enforcement Administration

Respectfully submitted this 24th day of September, 2012.

JOHN S. LEONARDO
United States Attorney
District of Arizona


s/ Gerald S. Frank
GERALD S. FRANK
Assistant U.S. Attorney

Copy of the foregoing served by U. S. mail
this day of , 2012, to:

William Leonard Pickard
#82687-011
U.S. Penitentiary - Tucson

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2013 I placed into institutional mail first class postage prepaid the attached "Plaintiff's Exhibits" addressed to the Clerk of Court, United States District Court, 405 W. Congress St., Tucson, AZ 85734 and a copy to AUSA Gerald Frank, USAO at the same address.

(signed)

A handwritten signature in cursive script, appearing to read "William Leonard Pickard".

William Leonard Pickard